

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-3 and 7-9 are presently active in this case. The present Amendment amends Claim 3, and adds new Claims 7-9 without introducing any new matter.

In the outstanding Office Action, Claims 3-6 were rejected under 35 U.S.C. §103(a) as unpatentable over Leitch et al. (U.S. Patent No. 5,546,411, herein "Leitch"). Claims 1-2 were allowed.

Applicants acknowledge with appreciation the indication of allowable subject matter. In view of the indication of allowable subject matter and in response to the rejection of independent Claim 3 under 35 U.S.C. §103(a), Claim 3 is amended to recite "reception processing method decider configured to decide a reception processing method for the data signal or the retransmission signal in the predetermined period." This feature finds non-limiting support in the disclosure as originally filed, for example in original Claims 1 and 2.

To vary the scope of protection recited in the claims, new Claims 7-9 are added. New Claim 7 depends upon independent Claim 3 and recites features regarding a decision whether or not to receive the data signal or the retransmission signal.¹ New Claim 8 depends upon Claim 3 and recites features regarding a decision whether or not to decode the data signal or the retransmission signal.² New Claim 9 depends upon Claim 3 and recites features regarding the signal-to-interference ratio SIR.³ Since the new claims find non-limiting support in the disclosure as originally filed, they are not believed to raise a question of new matter.⁴

¹ Finds non-limiting support in the disclosure as originally filed, for example at page 13, lines 3-15.

² Idem from page 7, line 25, to page 8, line 1.

³ Idem in original Claim 6.

⁴ See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

In light of the amendments to independent Claim 3, Applicants respectfully request reconsideration of the rejection of Claims 3-6 under 35 U.S.C. §103(a), and traverse the rejection, as discussed next.

Briefly recapitulating, Applicants' Claim 3 relates to a mobile station for receiving a data signal from a base station. The claimed mobile station includes: a receiving processor configured to carry out receiving processing of the data signal or a retransmission signal of the data signal within a predetermined period; a communication quality detector configured to detect a communication quality of the data signal or the retransmission signal; and a reception processing method decider configured *to decide a reception processing method for the data signal or the retransmission signal in the predetermined period*, in accordance with the communication quality detection result.

As explained in Applicants' specification at page 2, lines 23-28, Claim 3 improves upon background mobile stations because it is possible to reduce the power consumption of a mobile station without increasing the number of times a data signal is transmitted from the base station to the mobile station.

Turning now to the applied reference, Leitch describes a method for adaptively selecting a communication strategy in a selective call radio communication system. However, Leitch fails to teach reception processing method decider configured to decide *a reception processing method* for the data signal or the retransmission signal in the predetermined period, as recited in amended Claim 3. Leitch explicitly teaches that if a message is received with more than the predetermined number of errors, processor 203 of the base station 200 selects a more robust transmission strategy.⁵ In other embodiments of Leitch, the transmission channel is changed,⁶ or the reception channel of the mobile station is

⁵ See Leitch at column 11, lines 58-64 and in Figure 5, step 512.

⁶ See Leitch in Figure 4, step 412.

changed,⁷ in function of the status of the message. In other words, Leitch proposes different ways to send the message or to change the reception channel, if the numbers of errors in the message exceed a certain value. Accordingly, a more robust transmission strategy of a message, as taught by Leitch, *is not a reception processing method*, as recited in Applicants' amended Claim 3.

Therefore, Leitch fails to teach or suggest every feature recited in Applicants' claims, so that Claims 3 and 7-9 are believed to be patentably distinct over the applied references. Accordingly, Applicants respectfully traverse, and request reconsideration of, the rejection based on Leitch.⁸

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-3 and 7-9 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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⁷ See Leitch in Figure 6, step 614.

⁸ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."